

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT.WORTH DIVISION**

# ROBERT (BOB) ROSS

**Plaintiff,**

V.

**MCGAUGHEY, REBER AND  
ASSOCIATES, INC., ASSOCIATION  
OF PROFESSIONAL FLIGHT  
ATTENDANTS, JULIE HEDRICK,  
AND ERIK HARRIS  
Defendants.**

**Case No.**

**AFFIDAVIT OF NENA MARTIN IN SUPPORT OF PLAINTIFF'S ORIGINAL  
COMPLAINT AND MOTION TO VACATE**

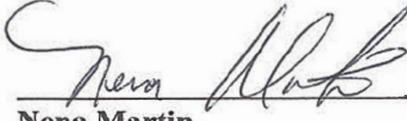
BEFORE ME, the undersigned authority, on this day personally appeared Nena Martin, who being by me first duly sworn, did state:

1. "I am employed as a Flight Attendant working with American Airlines, Inc. and I served on the Board of Directors for the Association of Professional Flight Attendants, between April 2011 to January 2021. I am of sound mind and body to make this affidavit and have personal knowledge of the following facts:
    - a. I attended the Board of Director's meetings on October 27, 2020, and October 28, 2020, in which evidence from an accounting firm hired by APFA was presented off the record. Erik Harris presented spreadsheets he stated were the results of an accounting review that showed Robert "Bob" Ross owed for an overpayment made under his Transition Agreement in the amount of \$5,436.47.

I was present at this meeting and reviewed all documents submitted and can attest to the true and correct findings of the Board of Directors at this time.

- b. I have not seen the Confidential Memorandum dated October 22, 2020, from Wood, Stephens & O’Neil, L.L.P (“Confidential Memorandum”) and the Board of Directors were not presented this Confidential Memorandum at any formal APFA Board of Directors meeting or discussion with which I participated.
- c. I received an email from Erik Harris on November 25, 2020, with a letter attached. A true and correct copy of that letter is attached hereto and marked Exhibit B-1. This information was presented to me on or about October 27, 2020, with the other Board of Directors while discussing it off the record. No formal vote was ever made, no formal record ever taken. It was decided that APFA General Counsel, Margo Nikitas, would call and discuss the accounts with Mr. Ross to review the spreadsheet.
- d. I also attended the APFA Executive Committee meeting on December 1, 2020, where the Executive Committee reviewed the charges filed by Melissa Chinery-Burns and Sandra Lee against Robert “Bob” Ross. At this Executive Committee meeting, I had the opportunity to hear all arguments made against Robert Ross prior to the Executive Committee voting on whether the charges were timely, specific, and valid. The Confidential Memorandum dated October 22, 2020, from Wood, Stephens & O’Neil, L.L.P was never presented to the Executive Committee for review and consideration prior to voting on the charges.”

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Nena Martin

SWORN AND SUBSCRIBED TO before me on this 18 day of April 2022.



  
\_\_\_\_\_  
Jennifer D. Schuler  
Notary Public, State of Missouri

**From:** Erik Harris <eharris [REDACTED]>  
**Sent:** Wednesday, November 25, 2020 9:58 AM  
**To:** Base Presidents <BasePresidents [REDACTED]>; Executive Committee <ExecutiveCommittee [REDACTED]g>  
**Cc:** Margot Nikitas <MNikitas [REDACTED]>  
**Subject:** Bob Ross' Overpayment

Hi all-

The attached letter was sent to Bob Ross yesterday in regards to the Overpayment of wages. I gave him a deadline of January 1, 2021 to cure the debt owed to APFA or to make payment arrangements.

As always, I will keep you all posted on the progress of collecting these funds.

Thanks,

Erik

--  
**Erik Harris** *Pronouns: he, him, his*  
National Treasurer  
Association of Professional Flight Attendants  
[REDACTED]

*The content of this email is intended solely for the recipient(s).  
It is not to be shared, forwarded or posted without the author's written consent.*



**Association of Professional  
Flight Attendants**  
*Representing the Flight Attendants of AmericanAirlines*

November 24, 2020

**Via Email and Return Receipt Certified Mail #7019 1120 0000 0179 3144**

Mr. Bob Ross  
4701 Hayloft Ct  
El Dorado Hills, CA 95762

**RE: Overpayment of Wages**

Dear Mr. Ross:

I am sending this letter to follow-up on our telephone conversation on November 10, 2020. During our call, we discussed the finding of the APFA Board of Directors that you were overpaid in the amount of \$5,436.47 in 2018. The Board's finding was based on the results of a review from an independent accounting firm which determined that the formula used to determine the daily rate for your sick and vacation payout was incorrect. (See Schedule C, enclosed).

On or before January 1, 2021, please remit payment (via check, money order, cashier's check, or credit card) to APFA in full or contact me to discuss payment arrangements.

Please contact me at 817.540.0108 or [eharris@apfa.org](mailto:eharris@apfa.org) with any questions or concerns. Thank you for your prompt cooperation.

Sincerely,

Erik Harris  
National Treasurer

Enclosure

CC: APFA Board of Directors  
APFA Executive Committee  
Margot Nikitas, General Counsel

1004 West Euless Blvd • Euless, Texas 76040

Tel: (817) 540-0108 • Fax: (817) 540-2077 • [www.apfa.org](http://www.apfa.org)



**Exhibit C**

**A****Bob Ross - National President Pay**

116 hours paid monthly at the highest purser pay including international override, per the policy manual.

* Maximum flight attendant pay	60.13
Purser Pay	7.50
International pay	3.75
	71.38
116 hours	8,280.08

Bi-monthly pay 4/1/16 - 12/31/16	4,140.04
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** Maximum flight attendant pay	61.33
Purser Pay	7.50
International pay	3.75
	72.58
116 hours	8,419.28

Bi-monthly pay - 1/1/17 - 5/1/17	4,209.64
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101,031.36	Annual salary
276.80	Daily rate for sick and vacation

*** Maximum flight attendant pay	64.96
Purser Pay	7.50
International pay	3.75
	76.21
116 hours	8,840.36

Bi-monthly pay - 5/2/17 - 12/31/17	4,420.18
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106,084.32	Annual salary
290.64	Daily rate for sick and vacation

**** Maximum flight attendant pay	66.26
Purser Pay	7.50
International pay	3.75
	77.51
116 hours	8,991.16

Bi-monthly pay - 1/1/18 - 7/31/18	4,495.58
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107,893.92	Annual salary
295.60	Daily rate for sick and vacation

- \* Pay rates effective 4/1/16
- \*\* Pay rates effective 1/1/17 - 5/1/17
- \*\*\* Pay rates effective 5/2/17 - 12/31/17 {1.6% Increase}
- \*\*\*\* Pay rates effective 1/1/18 - 7/31/18

National Officer:	B			
	Annual Salary	Daily amount (divide by 365)	Eligible Days to pay	Payment
<b>Profit Sharing - 2016</b>				2,652.22 (paid 3/10/17)
<b>Vacation Pay - 2017</b>	\$ 101,031.36	276.80	14	3,875.20 (paid 3/31/17)
<b>Sick Pay - 2017</b>	\$ 101,031.36	276.80	12	3,321.60 (paid 3/31/17)
<b>Retro - Wage Arbitration Award 1.6%</b>				918.72 (paid 6/1/17)
<b>Triple Play Grand Slam</b>				300.00 (paid 7/6/17)
<b>Grand slam</b> (Additional \$50 grand slam paid on 2/15/18 salary check)				150.00 (paid 1/25/18)
<b>2017 Profit Sharing</b>				2,458.19 (paid 3/9/18)
<b>Vacation &amp; Sick Pay - 2017 - (adjustment paid in 2018)</b>				958.76 (paid 3/29/2018)
<b>Vacation Pay - 2017 (remaining unused days per agreement)</b>	\$ 114,632.67	314.06	17	5,339.02 (paid 3/29/2018)
<b>Vacation Pay - 2018 (remaining unused days per agreement)</b>	\$ 122,121.70	334.58	29	9,702.82 (paid 3/29/2018)
	(Paid in two checks in the amount of \$4,851.41 each)			
<b>Sick Pay - 2018</b>	\$ 122,121.69	334.58	12	4,014.96 (paid 3/29/2018)
<b>End of Term Payout - 2017 (January 1 - December 31, 2017)</b>				
	\$ 118,046.02	334.58	35	11,710.30 (paid 3/29/2018)
	(Paid in two checks in the amount of \$3,903.43 each and one for \$3,903.44)			
<b>End of Term Payout - 2018 (January 1 - July 31, 2018)</b>				
	\$ 118,046.02	334.58	20.44	6,838.82 (paid 3/29/2018)
	(Paid in two checks in the amount of \$3,419.41 each)			
<b>Profit sharing 2018</b>				1,403.99 (paid 3/8/19)

<b>National Officer:</b>		<b>Overpayment Calculation</b>					
		Annual Salary	Daily amount (divide by 365)	Eligible Days to pay	Payment		
<b>Vacation Pay - 2017</b>							
	Original amount	\$ 101,031.36	276.80	14	\$ 3,875.20	<i>OK (paid 3/31/17)</i>	
				Overpayment	\$ -	\$ -	
<b>Sick Pay - 2017</b>							
	Original amount	\$ 101,031.36	276.80	12	\$ 3,321.60	<i>OK (paid 3/31/17)</i>	
				Overpayment	\$ -	\$ -	
<b>Vacation &amp; Sick Pay - 2017 - (adjustment paid in 2018....all paid in error)</b>				Overpayment	\$ 968.76	\$ 968.76	
<b>Vacation Pay - 2017 (remaining unused days per agreement)</b>							
	Original amount - paid in error (a)	\$ 114,632.67	314.06	17	\$ 5,339.02	<i>(paid 3/29/2018)</i>	
	Correct calculation amount	\$ 101,031.36	276.80	17	\$ 4,705.60		
				Overpayment	\$ 633.42	\$ 633.42	
<b>Vacation Pay - 2018 (remaining unused days per agreement)</b>							
	Original amount - paid in error (a)	\$ 122,121.70	334.58	29	\$ 9,702.82	<i>(paid 3/29/2018)</i>	
	Correct calculation amount	\$ 107,893.92	295.60	29	\$ 8,572.40		
				Overpayment	\$ 1,130.42	\$ 1,130.42	
<b>Sick Pay - 2018</b>							
	Original amount - paid in error (a)	\$ 122,121.69	334.58	12	\$ 4,014.96	<i>(paid 3/29/2018)</i>	
	Correct calculation amount	\$ 107,893.92	295.60	12	\$ 3,547.20		
				Overpayment	\$ 467.76	\$ 467.76	
<b>End of term payout - 2017 (January 1 - December 31, 2017)</b>							
	Original amount - paid in error (a)	\$ 118,046.02	334.58	35	\$ 11,710.30	<i>(paid 3/29/2018)</i>	
	Correct calculation amount	\$ 107,893.92	295.60	35	\$ 10,346.00		
				Overpayment	\$ 1,364.30	\$ 1,364.30	

<b>End of term payout - 2018 (January 1 - July 31, 2018)</b>	
Original amount - paid in error (a)	\$ 118,046.02
Correct calculation amount	\$ 107,893.92
Overpayment	\$ 295.60
Overpayment subtotal	\$ 295.60
Add 2018 profit-sharing contribution paid (3/8/2019) on excess amount above **	\$ 75.06 (based on 1.4%)
<b>Total overpayment - due to APFA</b>	<b>\$ 5,436.47</b>
(a) - included union pay (MEA/SAF)	

## **Exhibit C**